



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

MEMORANDUM

SUBJECT: Butler Tunnel Mine Site  
BERP System

FROM: Katherine L. Shine *Kath Shine*  
Assistant Regional Counsel (3RC23)

MAY 11 1988

TO: Bruce P. Smith, Chief  
Hazardous Waste Enforcement Section (3H410)

The Office of Regional Counsel requests that you sign the attached letter written in response to a letter received by you concerning the operation of the Butler Tunnel Emergency Response (BERP) system. In its April 29, 1988 letter to you, PADER has requested money for this system.

By agreement, PADER on April 1, 1986 became solely responsible for the continued operation of the BERP system at the Butler Tunnel Mine. (See the attached letter from Thomas Massey, Senior OSC, to Dave Lamereaux of PADER memorializing this agreement.) Recently PADER has notified EPA that the system has broken and is in need of repair. It is also my understanding that this system has had several breakdowns and that repair time is very long due to the need to order parts from overseas.

Lastly, due to the fact that negotiations with the PRPs over the RI/FS are in a delicate stage, and to the fact that PADER has the responsibility for this system, it would be inadvisable to request that they make some payment at this time.

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In Reply Refer to 3RC23

Virginia Davison  
Assistant Counsel  
Department of Environmental Resources  
Bureau of Superfund Enforcement  
512 Executive House  
P.O. Box 2357  
Harrisburg, Pennsylvania 17120

Re: Butler Tunnel Mine Site  
Pittston, Pennsylvania

Dear Ms. Davison:

This is in response to your letter to me dated April 29, 1988 requesting whether any funds are available to replace the alarm system at the Butler Tunnel Mine. This alarm is a part of the Butler Emergency Response Plan (BERP) placed into operation to monitor discharges from the mine.

It is EPA's understanding that the Pennsylvania Department of Environmental Resources (PADER) through its agreement with the EPA has been solely responsible since April 1, 1986 for the continued operation of the BERP system. As you know, EPA is currently involved in a study for long term remedial action at this site; such action may well include a modification of the BERP system. In the meantime, please be advised that EPA is not aware of any money available to it which could be used for the repair or replacement of the BERP alarm. In any event, we shall certainly contact you if the situation changes.

Very truly yours,

Bruce P. Smith, Chief  
Hazardous Waste Enforcement

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